THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.25829 OF 2005

Dated: 02-12-2005

Between

Bukka Prasad, S/o. late Krishanaiah, Occ: Agriculture,
R/o. Kaverammapet, Jadcherla, Mahabubnagar District.

...PETITIONER

AND

The Circle Inspector of Police, Jadcherla, Mahabubnagar District and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the Circle Inspector of Police/first respondent in taking him and his brothers to the police station 30.11.205 and 01.12.2005 and interfering with their peaceful life and liberty and threatening them with dire consequences not to enter in their land in Sy.No.866 in an extent of Ac.9.23 guntas and Sy.No.867 in an extent of Ac.9.18 guntas situated in the limits of Gangapur Village, Jadcherla Mandal, Mahabubnagar District as illegal and arbitrary.

Learned counsel for the petitioner submits that the father of the petitioner was the original owner and possessor of the said property. After the death of petitioner's father, the petitioner and his brothers became the absolute owners and possessors of the said property. While so, the third respondent and others attempted to interfere with the peaceful possession and

enjoyment of the said property. Petitioner and his brothers filed a suit in O.S.No.160 of 2005 on the file of the Senior Civil Judge, Mahabubnagar, along with an application for grant of temporary injunction in I.A.No.578 of 2005. The learned Senior Civil Judge by order dated 14.11.2005 granted ad-interim injunction restraining the third respondent and others from interfering with the peaceful possession and enjoyment of the suit schedule property. It is further submitted that in spite of the said injunction, at the instance of the third respondent the first respondent is illegally interfering with the civil disputes.

Having regard to the facts and circumstances of the case, the respondents 1 and 2 are directed not to interfere with the personal life and liberty of the petitioner and also shall not interfere with the civil disputes. Unless there is any report/complaint filed by third respondent or any other person alleging that the petitioner and his brothers have committed a cognizable offence, the respondents 1 and 2 cannot interfere with the civil disputes in question.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

December 2, 2005

DSK